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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10 005,325	11/12/2001	William C. Hurley	C0012	9482

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[REDACTED] EXAMINER

ARTMAN, THOMAS R

ART UNIT	PAPER NUMBER
	2882

DATE MAILED: 09 02 2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)
	10/005,325	HURLEY ET AL.
	Examiner Thomas R Artman	Art Unit 2882

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) Responsive to communication(s) filed on 24 July 2003.

2a) This action is FINAL. 2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) Claim(s) 10 and 12-22 is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) Claim(s) 1-9 and 23-27 is/are allowed.

6) Claim(s) 10 and 12-22 is/are rejected.

7) Claim(s) _____ is/are objected to.

8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on 12 November 2001 is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11) The proposed drawing correction filed on _____ is: a) approved b) disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.

12) The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All b) Some * c) None of:

1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. _____.
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) The translation of the foreign language provisional application has been received.

15) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)
3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____	6) <input type="checkbox"/> Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 10 and 12-13 are rejected under 35 U.S.C. 102(b) as being anticipated by Carter (US 5,165,003).

Regarding claim 10, Carter discloses the structure (Fig.2), including:

1) at least one bundle (item 14) comprising a plurality of non-tight buffered optical fibers and at least one binder thread (item 18) encircling the plurality of optical fibers to thereby maintain the plurality of optical fibers in the bundle,

2) a separation layer adjacent to and generally surrounding at least one bundle (item 20),

3) a cable jacket (item 23) contacting the separation layer, where the separation layer inhibits adhesion between the bundle of fibers and the cable jacket, and

4) excluding a grease or grease-like material for filling the gaps in order to block water infiltration.

Regarding claims 12 and 13, Carter discloses, from col.5, line 49, to col.6, line 37, that the binder element consists of a needle thread and looper thread that are woven into interlocking stitches.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 14 is rejected under 35 U.S.C. 103(a) as being unpatentable over Carter and in view of Lochkovic (US 5,561,730).

Though Carter does not teach the use of silicone based coatings, Lochkovic discloses the use of silicone layers as a friction reduction technique in fiber optic cables. This minimizes the damage of the fibers due to wear from excessive relative motion that occurs during installation and over a lifetime of service.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to coat the binding threads with a silicone finish such that the longevity of the fibers would be improved by adding such a friction reducing coating to the binder threads. In this way, wear between the fibers in the bundles and the surrounding loose buffer tube is mitigated.

Claim 15 is rejected under 35 U.S.C. 103(a) as being unpatentable over Carter.

Though Carter does not specifically use the term “breakout cable,” it is clear from the disclosure, for example in col.5, lines 15-21, that various aspects of the design allow a technician to break out the cable in order to access the individual fibers.

It would have been obvious to one of ordinary skill in the art at the time the invention was made that Carter's cable is part of a "break out" cable. The improvements in the design of the cable are in part directed specifically to improve the behavior of the cable for such uses.

Claims 16-20 and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Carter and in view of Blew (US 5,345,526).

Regarding claim 16, Carter discloses the structure (Fig.2), including:

- 1) at least one bundle (item 14) comprising a plurality of non-tight buffered optical fibers and at least one binder thread (item 18) encircling the plurality of optical fibers to thereby maintain the plurality of optical fibers in the bundle,
- 2) a separation layer adjacent to and generally surrounding at least one bundle (item 20),
- 3) a cable jacket (item 23) surrounding at least one bundle, where the separation layer inhibits adhesion between the bundle of fibers and the cable jacket, and
- 4) excluding a grease or grease-like material for filling the gaps in order to block water infiltration.

Carter does not disclose the use of a central member. Carter does teach that strength members (item 25) are useful for improving the mechanical integrity of the optical fibers by protecting them from large mechanical strains.

Blew specifically teaches the placement of a strength member as a central member (Fig.2, item 12), with similar advantages as well as compactness of structure.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to place a central member in Carter's cable in lieu of his strength members in order to maintain mechanical integrity of the cable while reducing the diameter of the entire cable.

With respect to claims 17-20, Carter's binder threads bind non-tight buffered optical fibers and consist of a needle thread and looper thread that are engaged in overlocked stitches.

In regards to claim 22, Carter's separation layer is a soft housing.

Claim 21 is rejected under 35 U.S.C. 103(a) as being unpatentable over Carter and Blew and in view of Lochkovic (US 5,561,730).

Though Carter does not teach the use of silicone based coatings, Lochkovic discloses the use of silicone layers as a friction reduction technique in fiber optic cables. This minimizes the damage of the fibers due to wear from excessive relative motion that occurs during installation and over a lifetime of service.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to coat the binding threads with a silicone finish such that the longevity of the fibers would be improved by adding such a friction reducing coating to the binder threads. In this way, wear between the fibers in the bundles and the surrounding loose buffer tube is mitigated.

Allowable Subject Matter

Claims 1-9 and 23-27 are allowed.

The following is a statement of reasons for the indication of allowable subject matter:

Regarding claim 1, the prior art teaches of various loose-buffered optical fiber cables. However, the prior art made of record, alone or in combination, fails to teach or reasonably suggest a separation layer that is in contact with at least one fiber bundle and is also in contact with a cable jacket in the combination as claimed in claim 1. The required contact between the claimed elements excludes any other fillers or layers to be present in between the elements.

Claims 2-9 are allowed by virtue of their dependency.

Regarding claim 23, the prior art made of record, alone or in combination, fails to teach or reasonably suggest an armor layer adjacent to a fiber bundle in the combination as claimed in claim 23. The prior art teaches away from such structures, requiring at least one additional layer between fiber bundles and an armor layer (see Ferguson, made of record in the previous Office action, dated April 10th, 2003, Paper No.4). Fiber bundles are kept separate from an armor layer by at least one additional layer in order to protect the fibers. This is because the armor layers are usually made of interlocked or interwoven metal strips or tape that can damage fibers if they should come into contact during use.

Claims 24-27 are allowed by virtue of their dependency.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thomas R Artman whose telephone number is (703) 305-0203. The examiner can normally be reached on 8am - 5:30pm Monday - Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward Glick can be reached on (703) 308-4858. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1782.


DAVID V. BRUCE
PRIMARY EXAMINER

Thomas R. Artman
Patent Examiner
August 13, 2003

